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CLARK COUNTY LAND USE HEARING EXAMINER

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Form DS1333

NOTICE TO PARTIES OF RECORD

Project Name: **AMBOY BAPTIST CHURCH**

Case Number: CUP2009-00006; PSR2009-00026;
SEP2009-00067

The attached decision of the Land Use Hearing Examiner is final unless appealed. An appeal of any aspect of the Hearing Examiner's decision, except the SEPA determination (i.e., procedural issues), may be appealed to the Superior Court or reconsidered by the Hearing Examiner only by a party of record pursuant to Ordinance 10-19, adopted 10/27/2009 by the Board of County Commissioners. A party of record includes the applicant and those individuals who signed the sign-in sheet or presented oral testimony at the public hearing, and/or submitted written testimony prior to or at the Public Hearing on this matter.

Mailed on: **December 9, 2009**

CASE NAME: Amboy Baptist Church
CASE NUMBER: PSR2009-00026
HEARING DATE : 11/24/09

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AMBOY BAPTIST CHURCH
CUP2009-00006; PSR2009-00026;
SEP2009-00067
HEARING DATE: 11/24/09

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**BEFORE THE LAND USE HEARING EXAMINER
FOR CLARK COUNTY, WASHINGTON**

Regarding an application by Amboy Baptist Church for) **FINAL ORDER**
conditional use permit and site plan review for a church,)
baseball/soccer fields and associated facilities east of Gerber) **CUP2009-00006¹**
McKee Road in unincorporated Clark County, Washington) **(Amboy Baptist Church)**

A. SUMMARY

1. The applicant, Amboy Baptist Church, requests approval of a conditional use permit (CUP2009-00006) for the construction and operation of an 11,267 square foot church, a 5,371 square foot multi-use building, a covered basketball court, three baseball/soccer fields, concession stand, restrooms and associated parking. The applicant proposed to construct the project in six phases. The first three (3) phases will be one soccer/baseball field for each phase with 110 parking spaces provided in phase 1. Phase 3 will provide an additional 88 parking spaces. The fourth phase is the 11,267 square foot church, the 5th phase is the 5,371 square foot multi-purpose building and the 6th phase is the covered basketball court. The applicant is also requesting preliminary site plan review (PSR2009-00026) of the development. The roughly 20.07-acre site is located east of NE Gerber McKee Road, about 200 feet south of NE 419th Street. The legal description of the property is Tax lots 1/2 (275001-000), 2/2 (275001-001 and 45 (275043-000), Section 15, Township 5 North, Range 3 East of the Willamette Meridian. (the "site"). The site and abutting properties are zoned AG-20 (Agriculture, 20-acre minimum lot size).

2. The County issued a Mitigated Determination of Nonsignificance ("MDNS") for the proposal pursuant to the State Environmental Policy Act ("SEPA"). Hearing Examiner Joe Turner (the "examiner") conducted a public hearing to receive testimony and evidence regarding the application. County staff recommended approval of the application subject to conditions of approval. See the Development and Environmental Review, Staff Report and Recommendation to the Hearing Examiner dated November 9, 2009 (the "Staff Report"). The applicant accepted those findings and conditions, as amended at the hearing, with one exception. No one else testified orally or in writing, other than public agency staff. The only contested issue relates to the number of ADA parking spaces required on the site.

3. Based on the findings provided or incorporated herein, the examiner approves the conditional use permit and preliminary site plan subject to conditions of approval at the end of this final order.

B. HEARING AND RECORD

1. The examiner received testimony at a duly noticed public hearing about this application on November 24, 2009. That testimony and evidence, including a videotape of the public hearing and the casefile maintained by the Department of Community

¹ This decision also addresses PSR2009-00026 and SEP2009-00067.

Development (“DCD”), are included herein as exhibits. A list of the exhibits is attached to and incorporated into this final order. The exhibits are filed at DCD. The following is a summary by the examiner of selected testimony and evidence offered at the hearing.

2. County planner Terri Brooks summarized the Staff Report and showed photographs of the site, Exhibit 39. She opined that fencing is not warranted, because the proposed ball fields are setback 400 feet or more from the site boundaries. She requested the examiner modify condition A-2 to that effect.

a. She testified that the International Building Code (the “IBC”) regulates ADA parking requirements. The examiner has no authority to determine the ADA parking requirements. Therefore she requested the examiner modify conditions B-1-h and –i to require compliance with the handicap parking requirements of the IBC.

3. County wetland biologist Brent Davis requested the examiner modify the findings and conditions in the Staff Report to change references to “stormwater pipes” in the wetland buffer to “stormwater facilities.”

4. Planner Andy Nuttbrock testified on behalf of the applicant. He accepted the findings and conditions of approval in the Staff Report, as amended, with certain exceptions.

a. He requested the examiner modify conditions B-1-h and –i, which require a total of 9 handicapped parking spaces on the site. In determining the ADA parking requirements, the building examiner reviewed the two parking lot phases as separate parking lots. The building code requires 5 ADA parking spaces for the 110-space parking lot proposed in Phase 1. Phase 3 will create an additional 88 parking spaces, for a total of 198 parking spaces on the site. The building code requires 6 ADA parking spaces for the 198 parking space parking lot.

5. County rural team leader Travis Goddard noted that the applicant will need to restripe the parking lot to provide ADA parking spaces near the church and multi-purpose buildings when Phases 4 and 5 are completed.

6. The examiner closed the record at the end of the public hearing and announced his intention to approve the application subject to the conditions of approval in the Staff Report.

C. FINDINGS:

Only issues and approval criteria raised in the course of the application, during the hearing or before the close of the record are discussed in this section. All approval criteria not raised by staff, the applicant or a party to the proceeding have been waived as contested issues, and no argument with regard to these issues can be raised in any subsequent appeal. The Examiner finds those criteria to be met, even though they are not specifically addressed in these findings. The following issues relate to the mandatory applicable approval criteria for this proposal and were addressed by County staff in their

reports, by agency comments, by the applicant and others. The Examiner adopts the following findings with regard to each:

LAND USE:

Finding #1- Zoning:

This 20.07-acre property is comprised of three (3) tax lots that make up one (1) legal lot. It is zoned AG-20 which permits several uses outright, conditionally, or by review and approval (R/A). Churches (and accessory church uses) are allowed in this district through the conditional use permit (CUP) review process (see Table 40.210.010-1).

Private recreational facilities also require a conditional use permit in the AG-20 zone. The ball fields are proposed to be used for public and private leagues throughout the year. Vancouver-Clark Parks and Recreation has pledged \$400,000.00 for construction of the ball fields however the fields will continue to be privately owned making them a private recreational facility not a public facility.

While the narrative states that the multi-purpose building may include daycare and a small (20-25 children) school in the future, these uses were removed and are not a part of this review (see Exhibit 21).

Finding #2 - Conditional Use Permit Review Standards

In order to grant any conditional use, the hearing examiner must find that the establishment, maintenance or operation of the use applied for will not, under the circumstances of the particular case, be significantly detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the county.

As a condition of approval for a conditional use or planned unit development, the hearings examiner may require an applicant to provide landscaping and screening that differs from the standards in Table 40.320.010-1 and Section 40.320.010(C)(2) where necessary to comply with the other applicable approval standards for the use or development.

Adjacent zoning and uses include agriculture and large lot residential. None of the adjacent properties are dividable under current zoning.

The examiner finds that the proposed landscape buffer is adequate to buffer adjacent properties from impacts of activities on the site. The proposed ball fields are an intense use; especially in this quiet rural area. However the fields will be located away from surrounding residential properties. The northern edge of the Phase 3 field is setback 120 feet from the north boundary of the site. This field is located within 40 feet of the east boundary of the site. Phase 1 and 2 fields are located closer to the east and south boundaries. See Sheet SP3.0 of Exhibit 5. However the adjacent properties to the south and east are zoned AG-20 and are currently being actively farmed. The examiner finds that uses on this site will have little impact on the existing agricultural use of the adjacent properties.

The applicant proposed to plant a row of cedar trees that will be 6-7 feet tall at time of planting along the majority of the north, south and east boundaries of the site. The applicant proposed to provide a row of arborvitae along the remainder of the south and east boundaries of the site. See Sheet L1.0 of Exhibit 5. These cedar trees and arborvitae will remain bushy to the ground and mature to create a dense hedge that will provide a visual screen and physical barrier between the site and abutting properties.

The applicant did not propose any screening along the habitat buffer although there are six (6) homes within 300 feet of this property line. The applicant will need to provide screening in this area also.

Properties to the west are across the street from the site, which adds the benefit of distance and landscaping as shown on the preliminary landscape plan (sheet L1.0 of exhibit 5) is sufficient along the road frontage. (See Conditions #A-3, A-4 and B-1-e)

Finding #3 - Site Plan Review

CCC 40.3 contains the criteria for parking, loading areas, screening, landscaping, circulation, storage waste area, and lighting under which a site plan is reviewed.

The applicant has submitted a site plan for the project (Exhibit 5 modified slightly by Exhibit 26). Final site plan approval will be granted administratively if the conditional use permit is approved, subject to the conditions identified in this report. (See Condition #B-1)

Finding #4— Parking and Loading Areas

CCC 40.340.010, B, 2 requires that when more than one (1) use occupies a structure or parcel of land or where a business includes a combination of uses, the minimum required number of parking spaces shall be the sum of the requirements for each use, except to the extent the uses comply with the requirements for shared parking. Therefore, the church must include not only the seating capacity of the chapel but also the offices and multi-use rooms. The shared parking exception applies because the uses will not be used concurrently (See Exhibit 29). (See Conditions #A-6 and I-2)

The first three (3) phases are the ball fields. The applicant did not address parking for these uses in their traffic study and has agreed to use the analysis provided for the Hockinson Meadows Park operated by the county. That analysis indicated that each ball field required at least 43 parking spaces. The applicant proposes the first phase to be one ball field and proposes providing 110 parking spaces. The applicant proposes only 2 ADA compliant parking spaces with this phase although five (5) are required per IBC Table 1106.1. One of the five must be van accessible. The final site plan will need to be revised to show the correct number of ADA compliant spaces for phase 1. (See Condition B-1-g)

Phase 2 is also one ball field and the additional 43 spaces required for it will have been built with phase 1.

With phase 3, the last ball field, additional parking is needed. The applicant proposes an additional 88 parking spaces with this phase. This will bring the total parking spaces to 198 spaces. With these additional 88 spaces, additional ADA compliant spaces are needed.

The ADA parking requirements are established by the IBC. The examiner has no authority to interpret the IBC in this proceeding. The County building official is solely responsible for interpreting the IBC. See CCC 40.100.050(A)(3) and 14.05.090. Therefore determination of the number of ADA parking spaces required for a particular project is up to the County building official. However, for what its worth, the examiner believes that the Phase 3 parking lot should be reviewed as an expansion of the Phase 1 parking lot, requiring a total of 6 ADA parking spaces, rather than as an entirely separate and independent parking lot requiring 4 additional ADA spaces. (See Condition B-1-h)

The applicant proposed to construct the church in phase 4. The floor plans submitted with the application shows seating for 203 people. At a ratio of 1 parking space for every 4 seats that would require the church to have 51 parking spaces. However, the church also includes offices and multi-purpose rooms that could be utilized during church services. The occupancy load for the multi-purpose room inside the church is 79, which would need 20 spaces and the offices would require 3 additional spaces. Total required parking for the church building is 74 spaces. The proposed parking is sufficient only because multiple uses will not occur concurrently. (See Condition # A-6 and I-2)

Phase 5 is proposed as the multi-purpose building. This building has an occupancy load of 768. Using the "Other auditoriums, meeting rooms" section in Table 40.340.010-4 of the code, 1 space would be needed for every 4 seats ($768 \div 4 = 192$) so 192 parking spaces would be required. The applicant indicates in exhibit 29 they will not be holding events at either the multi-purpose building or church at the same time as ball field use. However, because only 198 parking spaces are proposed, in order to allow this building, a condition is also needed so that church uses do not occur while the multi-purpose building is in use. It is understood that a wedding could be performed in the church with the reception following in the multi-purpose building because that would not cause both buildings to be used at the same time. (See Condition # A-6 and I-2)

Phase 6 is the covered basketball court. This is similar to the sports fields as far as required parking and the indicated number of parking spaces is sufficient provided the multi-purpose building and church are not being used at the same time.

Since only one of the uses will occur at the same time, either the ball fields and basketball court or the church or the multi-purpose building, the 198 parking spaces are sufficient.

Finding #5

CCC 40.340.020, A, 3, e requires that where pedestrian or bicycle routes cross access, maneuvering, parking or loading areas, the crossing must be clearly identified by using striping, elevation changes, speed bumps, a different paving material, and/or other method that effectively alerts drivers, pedestrians and cyclists of the location and nature of the crossing. The applicant proposes to use truncated domes where the walkways cross

the access drives. However, Section 1102 of the IBC also requires detectable warning (truncated domes is one) for the walkways along the entire parking lot if they are flush with the parking lot. This may need to be revised prior to final site plan approval. (See Condition #B-1-M)

Finding #6 – Landscaping and Screening

Landscaping along the north, south and east is required by the Conditional Use permit. The applicant proposes 6 – 7 foot tall cedar trees around most of the parcel to provide screening. In the wetland buffer, west of the habitat buffer and along the south portion of the east property line they are proposing arborvitae. Within the wetland buffer only native vegetation is allowed. The landscape plan within the wetland buffer will need to be modified to use only native vegetation yet still provide a dense hedge screen six (6) feet high and ninety-five percent (95%) opaque year-round. The landscape plan will also need to be modified to show a hedge along the habitat buffer. The landscape plan will need to be revised to reflect these changes. (See Conditions #B-1-d and B-1-e)

Parking spaces on the perimeter of a parking lot or abutting interior landscaped areas or sidewalks must include a wheel stop or curb at least four (4) inches high located three (3) feet back from the front of the parking and/or loading space. The front three (3) feet of a parking space may be improved with groundcover landscape material, instead of asphalt or concrete pavement but that area can not be counted toward landscape or open space area requirements. (See Condition B-1-b)

The perimeter of a parking or loading area and access and maneuvering drives associated with them must be improved with a curb, rail or equivalent so that vehicles do not extend over a property line, sidewalk or public or private street (See Condition #B-1-b)

No irrigation system is proposed and none is required outside urban growth boundaries. However, the applicant should be aware that CCC 40.320.010(G)(6) requires that maintenance of landscaped areas is the ongoing responsibility of the property owner. Required landscaping must be continuously maintained in a healthy manner. Plants that die must be replaced with in-kind materials unless otherwise authorized by the responsible official. (See Condition #I-1)

CCC 40.320.010(D)(2) specifies that rooftop and ground-level exterior equipment shall be screened from abutting property used or zoned for residential purposes or from an abutting public road right-of-way to at least an F2 or L3 standards if visible at grade from the property or right-of-way. From the submitted plans, it is not clear whether or not any exterior equipment is proposed for this project. As a result, a condition will be imposed to ensure compliance with this requirement. (See Condition #B-7)

Landscape islands are required for all parking areas that contain at least seven spaces. Islands must be distributed at a ratio of one island for every seven parking spaces, contain a minimum of 25 square feet, and be at least 4 feet wide. Each island must contain at least one tree and shall have a means to prevent vehicles from damaging trees, such as by a wheel stop or curb. These islands break up the image of the large expanse of asphalt created by parking areas. The applicant is required to provide at least 16 landscape islands

for the 110 parking spaces in phase 1 and 12 more for the added parking in phase 3 for a total of 28 landscape islands.

The applicant's landscape plan only shows 15 landscape islands in phase 1 and an additional 15 for phase 3. While the total is sufficient, at least 1 landscape island must be added to the phase 1 parking. (See Conditions #B-1-k and B-1-l)

Prior to issuance of an approval of occupancy for a site plan, the applicant shall provide verification that the required landscaping has been installed in accordance with the approved landscape plan. Even for the ball fields require building permits, for the backdrop fencing and dugouts. (See Condition #G-1-a)

Finding #7 - Solid Waste Disposal

The amount of solid waste and recyclable storage area is based on the use and size of the buildings. Uses other than retail uses are required to provide a minimum of 10 square feet of storage area plus 4 square feet for every 1,000 square feet of gross floor area. For a church building of 11,267 square feet, 58 square feet is required. The applicant proposes to the storage of solid waste to be inside the church. The floor plan of the church shows an 8-foot by 9-foot 5-1/2 inch room for storage and trash, which exceeds the minimum Code criteria.

The applicant also proposes to provide decorative garbage cans/containers for uses at the sports complex. These garbage cans/containers would be emptied by either the church or users of the sports fields after each event.

Finding #8 - Light and Glare

The applicant proposes the parking area and at least one sports field to be lighted but only submitted a lighting plan for the parking area. Prior to final site plan approval for the phase for the ball field that will have lighting, a lighting plan will need to be submitted. The lighting plan will need to show how the proposed lights will be shielded downward so that the lights do not cast glare onto adjacent properties. The Washington State Department of Transportation also must approve all lighting plans. (See Conditions #A-5, B-5 and B-6)

Finding #9 - Signs

No signs are indicated on the site plan. A separate sign permit is required if a sign is proposed. Signs must also be approved by the Washington State Department of Transportation. (See Condition F-1)

Finding #10 – Restrooms

The applicant does not propose to construct a restroom until phase 3 of the project but has not addressed where the ball players, family and audience will relieve themselves until it is built. This could include port-a-potties until phase 3 but the applicant did not address it. This will need to be addressed prior to final site plan approval for phase 1. (See Condition #B-1-j and B-17)

Conclusion (Land Use):

The examiner concludes that the proposed preliminary plan, subject to conditions identified above, meets the land use requirements of the Clark County Code.

ARCHAEOLOGY:

The applicant submitted an archeological pre-determination (ARC2008-00035) in which it was determined that no additional archeological work was needed. However, that pre-determination was only for the northwest five acres of the site. Staff called the applicant in mid-August to alert them to the fact they needed the balance of the site reviewed for archeology because there will be ground disturbance over the entire site. Not only is the site listed as having a high probability of containing cultural resources according to the Clark County Archeological Predictive Model it is also within 1/4 mile of a known site. As of the time of issuance of this staff report, no additional archeological information had been submitted although the applicant indicated they were working on it. (See Condition #B-2)

Conclusion (Archaeology):

The examiner finds that the proposed preliminary plan, subject to conditions identified above, can meet the archaeology requirements of the Clark County Code.

HABITAT:

Finding #1

Clark County GIS maps show two Type U streams in the vicinity of the project area. The applicant submitted a "Habitat Assessment" prepared by The Resource Company, Inc., dated May 1, 2008. The report states that the southern stream does not exist, and that the northern stream is Type Np (non fishbearing, perennial) carrying a 100-foot riparian habitat conservation zone. The report also describes a May 1, 2008 site meeting during which Anne Friesz of Washington Department of Fish and Wildlife agreed with these determinations.

Staff confirmed that WDFW determined the stream types presented by The Resource Company, Inc. were correct. In addition, staff visited the site on July 29, 2009 and concurs with WDFW and The Resource Company, Inc.

The biologists for the applicant, WDFW and the County all agree that the southern stream does not exist, and the northern stream is Type Np. According to Title 40.440.010(C)(1)(a), a DNR Type Np watercourse requires a 100-foot riparian habitat conservation zone in order to protect fish and wildlife habitat. The riparian habitat conservation zone extends 100' horizontally outward from the ordinary high water mark. The stream is mapped correctly on Figure 5 of the Habitat Assessment prepared by The Resource Company, Inc. Staff issued a report stating this finding under the habitat predetermination HAB2009-00061. The riparian habitat conservation zone is mapped correctly on the preliminary site plans (see Exhibit 5).

Finding #2

The applicant has proposed a development envelope that is outside of the riparian HCZ on the site. The proposed development envelope complies with the exemption criterion

identified in Table 40.440.010-1, row 2, of the Habitat Conservation Ordinance. (See Condition #B-15)

Conclusion (Habitat):

The examiner finds that the proposed preliminary plan, subject to conditions identified above, meets the habitat requirements of the Clark County Code.

WETLAND:

Finding #1

The applicant has submitted a "Wetland Delineation & Assessment" report authored by The Resource Company, Inc. dated February 11, 2008 (see Exhibit 6). The report states that no wetlands exist on the site. Staff agrees with the conclusion that no wetlands exist on the site.

Staff observed one unmapped probable wetland area off-site to the south. Staff estimates that the wetland comes within approximately 15 feet of the southern property boundary. This wetland is likely Category IV, and as such carries a 50-foot High Intensity land use buffer. The buffer extends slightly onto the southwestern portion of the subject property. Staff issued a report stating this finding under the wetland predetermination WET2008-00038. The buffer is mapped correctly on the Preliminary Site Plan (see Exhibit 5, Sheet SP2.0).

Finding #2

The proposed development envelope on the Preliminary Site Plan (see Exhibit 5, Sheet SP2.0) avoids the mapped wetland buffer area. Therefore the project should qualify for the waiver under CCC 40.450.040(G)(3) if certain conditions are met (see below). However, the proposed Preliminary Stormwater & Utility Plan (Exhibit 5, Sheet C2.0) shows stormwater facilities to be constructed within the wetland buffer area. The project may still qualify for the waiver if conditions are met. Staff finds that it is feasible for the project to meet these criteria without any major changes in the site design. (See Conditions #B-3-a, B-4-a and B-4-b, B-10-e and D-1)

Finding #3

The proposed Preliminary Planting Plan (see Exhibit 5, Sheet L1.0) shows shrubs, deciduous trees, and turf grass to be installed within the wetland buffer area. The Planting List (see table on Exhibit 5, Sheet L1.3) proposes a mix of native and non-native species. Any plants installed into the wetland buffer area should be native species. Staff finds that it is feasible for the project to meet these criteria without any major changes in the site design. (See Condition #B-3-b)

Conclusion (Wetlands):

Based upon the development site characteristics and the proposed development plan, the examiner concludes that the proposed preliminary plat and preliminary wetland permit comply with the requirements of the Wetland Protection Ordinance PROVIDED that certain conditions (listed below) are met. Therefore, the requirements of the preliminary plan review criteria are satisfied.

TRANSPORTATION:

Finding #1

SR-503 (NE Gerber McKee Road) is a State Route. In accordance with the Clark County Code, right-of-way dedication and frontage improvements must comply with the WSDOT standards. However, access requirements at a minimum must meet the requirements of the major collector roads in the rural area as specified in the county Transportation Standards.

Finding #2 – Driveway Sight Distance

The applicant is proposing a driveway access onto SR-503. In accordance with CCC 40.380.030(B)(8), sight distance at the proposed driveway entrance to the site shall be 500 feet in both directions measured 15 feet. (See Condition #B-10-a)

Finding #3 – Driveway Pave Back

The proposed driveway entrance to this site shall be paved back a minimum of 20 feet from the edge of roadway or to the edge of right-of-way, whichever is greater. This driveway shall be built to Clark County standard detail Drawing #F20. (See Condition #B-10-b)

Finding #3 – Access to State Routes

In accordance with CCC 40.350.030(B)(4)(e), if the access serving a development is onto a state road or highway, required dedication and/or improvements thereto must meet the requirements of the Washington Department of Transportation. Therefore the applicant shall comply with all written requirements from WSDOT. In no case may the requirements be less than the access requirement to a major collector in rural areas. Therefore, the applicant may only have one driveway entrance onto the State highway (SR 503) and must provide a minimum 230 feet of driveway spacing from all other driveways. (See Conditions #B-10-c and B-10-d)

Conclusion (Transportation):

The examiner finds that the proposed preliminary plan, subject to conditions identified above, meets the transportation requirements of the Clark County Code.

TRANSPORTATION CONCURRENCY:

Finding #1 - Trip Generation

County concurrency staff has reviewed the proposed Amboy Baptist Church. The applicant's traffic study indicates that this development will include the construction of a new 11,540 square foot church facility. This project will also create three sports fields intended for private and public use. For clarification, the applicant has submitted an addendum, dated October 29, 2009, correcting the proposed building square footage. This addendum identifies the proposed church and multi-purpose building will create a total 16,636 square feet of buildings on the site.

The addendum shows that this combined 16,636 square foot facility and the 3 sports fields would add 71 trips to the surrounding road network in the weekday PM peak hour. The study also analyzed the anticipated trip generation during the Sunday peak hour of

travel for the total 16,636 square feet of buildings. The Sunday peak trip generation was estimated to be 122, with an Average Daily Trip generation of 370.

The applicant's traffic study indicates that the sports fields will not be in use during church services, the consultant analyzed the trip generation for the Saturday (all-day) and the Saturday PM peak hour. The study shows that the sports fields will generate 352 and 86 trips, respectively.

These trip generations were estimated using nationally accepted data published by the *Institute of Transportation Engineers Seventh Addition*. The proposed site is located on the east side of NE Gerber McKee Road approximately 300 feet south of NE 419th Street.

The applicant has submitted a traffic study under the provisions of Clark County Code section 40.350.020 (D)(1).

Finding #2 - Site Access

Traffic conditions are usually expressed using a scale that quantifies the ability of a facility to meet the needs and expectations of the driver. This scale is graded from A to F and is referred to as level-of-service (LOS). A driver who experiences an LOS A condition would expect little delay. A driver who experiences an LOS E condition would expect significant delay, but the traffic facility would be just within its capacity to serve the needs of the driver. A driver who experiences an LOS F condition would expect significant delay with traffic demand exceeding the capacity of the facility with the result being growing queues of traffic.

Level of service (LOS) standards are not applicable to accesses that are not regionally significant; however, the LOS analysis provides information on the potential congestion and safety problems that may occur in the vicinity of the site.

The traffic study shows that the unsignalized full access onto NE Gerber McKee Road will maintain an estimated LOS B, or better, into the 2012 build-out horizon. The LOS was evaluated for Sunday Church services peak hour traffic conditions. County Staff concurs with the applicant's findings.

Finding #3 - Concurrency Compliance

The proposed development is required to meet the standards established in CCC 41.350.020(G) for corridors and intersections of regional significance within 2 miles of the proposed development. Typically, the County's TraffixTM model is used along with the applicant's traffic study to determine compliance of operating levels and travel speed and delay standards. However, the County's model does not include many of the remote rural intersections of regional significance in the area; therefore, the applicant's traffic study, alone, was used to evaluate concurrency compliance. County Staff evaluated information presented in the applicant's traffic study for the build out horizon of 2012.

Unsignalized intersections were evaluated for concurrency compliance during the weekday peak hour and the Sunday peak hour. These intersections were identified as follows:

- NE Gerber McKee Road/NE Chelatchie Road; and,
- NE 221st Avenue/NE Chelatchie Road.

The applicant's traffic study indicates that peak hour operating levels comply with travel speed and delay standards, resulting in a LOS better than the minimum allowable LOS E at all of the study intersections.

The County has determined that this development will comply with adopted Concurrency Standards for unsignalized intersections.

SAFETY:

Where applicable, a traffic study shall address the following safety issues:

- traffic signal warrant analysis,
- turn lane warrant analysis,
- accident analysis, and
- any other issues associated with highway safety.

Mitigation for off-site safety deficiencies may only be a condition of approval on development in accordance with CCC 40.350.030(B)(6) The code states that "nothing in this section shall be construed to preclude denial of a proposed development where off-site road conditions are inadequate to provide a minimum level of service as specified in Section 40.350.020 or a *significant* traffic or safety hazard *would be caused or materially aggravated* by the proposed development; provided, that the applicant may voluntarily agree to mitigate such direct impacts in accordance with the provisions of RCW 82.02.020."

Finding #5 - Turn Lane Warrants

Turn lane warrants are evaluated at unsignalized intersections to determine if a separate left or right turn lane is needed on the uncontrolled roadway.

The applicant's traffic study reviewed the site access for turn lane warrants and found that with the low traffic volumes, turn lanes would not be warranted at the studied intersection during the weekday peak hour and the Sunday service peak hour. County staff agrees with the traffic study findings.

Although the applicant's study shows that turn lanes are not warranted, the applicant's traffic study does recommend a northbound right-turn radius be constructed at the NE Gerber McKee Road/Site access intersection. NE Gerber McKee Road (SR 503) at the proposed site access is under the primary jurisdiction of the Washington State Department of Transportation (WSDOT). Because of this, any work within the WSDOT right-of-way shall be permitted by WSDOT. (See Transportation Concurrency Condition B-16)

Finding #6 - Historical Accident Situation

The applicant's traffic study analyzed the accident history within the vicinity of the site. The intersection accident rates do not exceed thresholds that would warrant additional analysis. Therefore, further analysis *is not* required.

Finding #7 - Sight Distance

Sight distance issues are addressed in Transportation Finding #2; therefore, this issue will not be addressed here.

Conclusion

Based upon the development site characteristics, the proposed transportation plan, the requirements of the County's transportation concurrency ordinance, and the findings above, the examiner concludes that the proposed preliminary transportation plan meets the requirements of the county transportation concurrency ordinance CCC40.350.020.

STORMWATER:

Finding #1 - Applicability

In accordance with the Stormwater and Erosion Control Ordinance (CCC 40.385), new development and redevelopment that adds or replaces impervious area of more than five percent (5%) of a site shall comply with minimum requirements No. 1 through No. 10 for the new and replaced impervious surface.

This project meets this criteria, therefore, Stormwater Minimum Requirements 1-7 and 10 apply to this project. (See Condition of Approval B-11)

CONCLUSION (STORMWATER):

The examiner concludes that the proposed preliminary stormwater plan is feasible subject to conditions of approval. Therefore, the requirements of the preliminary plan review criteria are satisfied.

FIRE PROTECTION:

Finding #1 – Fire Marshal Review

This application was reviewed by Tom Scott in the Fire Marshal's Office. Tom can be reached at (360) 397-2375 x4095 or 3323. Information can be faxed to Tom at (360) 759-6063. Where there are difficulties in meeting these conditions or if additional information is required, contact Tom in the Fire Marshal's office immediately.

Finding #2 – Building Construction

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. (See Condition #F-2)

Finding #3 – Fire Flow

Fire flow in the amount of 2,750 gallons per minute supplied at 20 PSI for 2 hours duration is required for this application. Information from the water purveyor indicates that the required fire flow is available at the site, estimated at 1,000 gpm. The applicant shall contact the Fire Marshall's office to discuss alternate methods of meeting the

required fire flow. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to the commencement of combustible building construction. Fire flow is based upon an 11,267 sq. ft. type V-B constructed building. (See Condition #B-18-a and C-1-d)

Finding #4 – Fire Hydrants

Fire hydrants are required for this application. Either the indicated number or the spacing of the fire hydrants is inadequate. The applicant should be required to provide fire hydrants such that the maximum spacing between hydrants does not exceed 300 feet and such that no portion of the building exterior is in excess of 300 feet from a fire hydrant as measured along approved fire apparatus access roads. A minimum of 3 fire hydrants on a looped main are required to support the fire flow. (See Condition #B-18-b)

Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. A 3-foot clear space shall be maintained around the circumference of all fire hydrants. The local district fire chief approves the exact locations of fire hydrants. (See Condition #B-18-c)

Finding #5 - Fire Apparatus Access

Fire apparatus access is required for this application. The roadways and maneuvering areas indicated in the application provide adequate fire apparatus access. The applicant shall ensure that fire apparatus access roads maintain an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13.5 feet. Roadways shall be an all weather driving surface and capable of supporting the imposed loads of fire apparatus. (See Condition #B-18-d)

Finding #6 - Fire Alarm

An approved fire alarm system is required at the time of construction for buildings subject to this application. Such systems require separate reviews, permits and approvals issued by the fire marshal's office. (See Condition #G-3)

Conclusion (Fire Protection):

The examiner finds that the proposed preliminary plan, subject to conditions identified above, meets the fire protection requirements of the Clark County Code.

WATER & SEWER SERVICE:

Finding #1

Clark Public Utilities (CPU) will provide public water to the site. The applicant will install an on-site sewage disposal system for sewage disposal. A letter from CPU confirms that water service is available to the site.

Finding #2

The use of septic systems are proposed to serve the site. A "Health Department Evaluation Letter" has been submitted that confirms the Health Department conducted an evaluation of the site and determined that the existing well will be decommissioned. The letter also indicates that an on-site sewage disposal system is feasible, subject to conditions of approval. The applicant should be allowed to retain the existing well for

irrigation purposes, if approved by the County Health Department. (See Conditions #B-1-i B-9, B-17 and G-4)

Conclusion (Water & Sewer Service):

The examiner finds that the proposed preliminary plan, subject to conditions identified above, meets the water and sewer service requirements of the Clark County Code.

IMPACT FEES:

Finding #1 Impact Fees

The proposed development will have an impact on traffic in the area, and is subject to Traffic Impact Fees (TIF) in accordance with CCC 40.610 & 40.620. The site is located within the Rural 2 TIF Sub-area. The TIF fees are:

Phases 1 through 3, (each ball field) \$4,426.03 each.

11,267 square foot church: \$6,386.96

5,371 square foot multi-purpose building: \$3,063.09

TIF is payable prior to issuance of building permits. (See Condition #F-3)

D. CONCLUSION

Based on the findings and discussion above, the examiner concludes that the conditional use permit and preliminary site plan applications for phases 1 and 2 do or can comply with the applicable standards of the Clark County Code and will not be significantly detrimental to people or property in the vicinity or to the general welfare of the County, provided the applicant complies with conditions of approval necessary to ensure the use does in fact comply with the applicable law and with measures to prevent or mitigate adverse impacts of the use.

E. DECISION

Based on the foregoing findings and except as conditioned below, the examiner hereby approves CUP2009-00006, PSR2009-00026 and SEP2009-00067(Amboy Baptist Church) in general conformance with the applicant's proposal and the related plans, reports and proposal (Exhibits 5, 6, 12, 21, 26, 29, 30 and 35). The approval is granted subject to the requirements that the applicant, owner or subsequent developer (the "developer") shall comply with all applicable code provisions, laws and standards and the following conditions. These conditions shall be interpreted and implemented consistently with the foregoing findings.

Conditions of Approval

A	Conditional Use Permit Conditions
	Review & Approval Authority: Development Engineering

- A-1** Structures and uses approved are an 11,267 square foot church with Sunday services and typical church uses during the week, a 5,371 square foot multi-use building, 3 combined soccer/baseball fields, a concession stand, a free standing

restroom and a covered basketball court. The ball fields are for public and private use.

- A-2 Landscaping within the wetland buffer shall be limited to native plants. (See Wetland Finding #3)
- A-3 On site landscaping along the north, south and east boundaries of the site shall be as shown on the preliminary landscape plan (page L1-0 of exhibit 5), except that the applicant shall continue the row of cedar trees or arborvitae to form a continuous hedge along the habitat buffer. (See Land Use Finding #2)
- A-4 On site landscaping along NE Gerber McKee Road shall be as shown on the preliminary landscape plan (page L1-0 of exhibit 5). (See Land Use Finding #2)
- A-5 All lighting shall be shielded to prevent off-site glare. (See Land Use Finding #8)
- A-6 Only one of the uses at a time shall occur on the site – either use of the ball fields and basketball court or use of the multi-purpose building or use of the church, until sufficient parking is added. (See Land Use Finding #4)
- A-7 Landscaping shall be planted as needed and as noted above to screen each phase prior to issuance of occupancy permits for any structure or final inspection approvals in that phase.
- A-8 Each phase must be an independent planning unit with circulation, facilities, landscaping and utilities constructed as needed for each phase.

B	Final Construction Plan Review
	Review & Approval Authority: Development Engineering

Prior to construction, Final Construction plans shall be submitted for review and approval, consistent with the approved preliminary plan and the following conditions of approval:

- B-1 **Final Site Plan** – The applicant shall submit and obtain County approval of a final site plan in conformance to CCC 40.350 and the following conditions of approval:
 - a. Archaeology - A note shall be placed on the face of the final site plan and construction plans as follows:

"If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."

- b. The site plan shall be revised to show wheel stops along the perimeter of the parking lot and abutting interior landscaped areas, landscape islands and sidewalks. The wheel stop or curb shall be at least four (4) inches high and located three (3) feet back from the front of the parking space. (See Land Use Finding #6)
- c. The wetland buffer boundaries shall be delineated on the face of the Final Site Plan. (see Wetland Finding #1)
- d. The landscape and planting plans shall be revised so that any plant proposed to be installed within a wetland or wetland buffer is a native species. (See Wetland Finding #3)
- e. The landscape and planting plans shall be revised to show a continuous row of cedar trees or arborvitae along the habitat buffer. (See Land Use Finding #2)
- f. A note shall be placed on the face of the final site plan and construction plans as follows:

"Clark County Wetland Protection Ordinance (Clark County Code Chapter 40.450) requires wetlands and wetland buffers to be maintained in a natural state. Refer to the previously recorded Conservation Covenant (AF # _____) for limitations on the maintenance and use of the wetland and wetland buffer areas identified on the face of this site plan."

- g. A minimum of five (5) ADA compliant parking spaces (1 van accessible) shall be included in phase 1. (See Land Use Finding #4)
- h. Additional ADA compliant parking spaces sufficient to meet the requirements of the IBC, as determined by the County building official, shall be constructed with the parking for phase 3. (See Land Use Finding #4)
- i. The final site plan for phase 3 shall be revised to show the phase 3 ball field moved to avoid conflict with the proposed drainfield and reserve area. (See Water & Sewer Service #2)
- j. The final site plan shall address restroom facilities for the first two (2) phases. (See Land Use Finding #10)
- k. A minimum of 16 landscape islands shall be located in the phase 1 parking.
- l. A minimum of 12 landscape islands shall be located in the phase 3 parking.

- m. Show whether the walkways around the parking lot are even with the parking area or raised. If level, they must have truncated domes for the entire walkways.

B-2 Prior to any ground disturbance, approval of construction plans or issuance of a grading permit for the site an archeological pre-determination shall be completed, sent to the State Department of Historic Preservation and a letter from the State Department of Historic Preservation indicating no additional archeological work is required submitted to Clark County Development Services. If additional work is needed it must be completed prior to any ground disturbance. (See Archeological finding #1 and SEPA Mitigation)

B-3 Wetlands:

- a. The wetland buffer boundaries shall be delineated on the face of the Final Site Plan.
- b. The Landscaping and Planting Plans shall be revised so that any plant proposed to be installed within a wetland or wetland buffer is a native species (see Finding 3).
- c. Record a revised conservation covenant with the County Auditor that runs with the land and requires that the wetlands and buffers remain in natural state.
- d. One of the following conditions shall be met. EITHER
 - i. Proposed stormwater facilities shall be re-located so that they are outside of the wetland buffer area (see Wetland Finding 2), OR
 - ii. The applicant shall obtain a Type I wetland permit to address the impacts of the construction of the stormwater facilities within the wetland buffer.

B-4 Wetland Plan:

- a. Show the wetland buffer boundary on the face of the Engineering Construction Plans.
- b. Show a development envelope that completely avoids the wetland buffer boundary on the face of the Engineering Construction Plans.
- c. The Landscaping and Planting Plans shall be revised so that any plant proposed to be installed within a wetland or wetland buffer is a native species (see Finding 3).

- d. One of the following conditions shall be met. EITHER
 - i. Proposed stormwater facilities shall be re-located so that they are outside of the wetland buffer area (see Finding 2), OR
 - ii. The applicant shall obtain a Type I wetland permit to address the impacts of the construction of the stormwater facilities within the wetland buffer.

- B-5** If any ball fields are lighted, the applicant shall submit a lighting plan demonstrating how the project will prevent off-site light and glare from impacting adjacent properties for any of the ball fields that will have lighting. (See Land Use Finding #8)

- B-6** The applicant shall submit documentation for the parking lot and ball field lighting (if any ball fields are lighted) that the Washington State Department of Transportation have approved the lighting plans. (See Public Comments)

- B-7** Rooftop and ground-level exterior equipment shall be screened from abutting property used or zoned for residential purposes or from an abutting public road rights-of-way to at least an F2 or L3 standards if visible at grade from the property or right-of-way. (See Land Use Finding #6)

- B-8** The applicant shall obtain a demolition permit from the Clark County Building Department prior to demolition of the existing structures. (See Public Comments)

- B-9** A formal on-site sewage system design must be approved by Clark County Public Health prior to final site plan approval for each structure containing plumbing (church, concession stand, restrooms). A means of monitoring the flow to the drainfield such as a meter or pump counter must be incorporated into the design. (See Water and Sewer Systems Finding #2)

- B-10 Final Transportation Plan/On-Site** - The applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350 and the following conditions of approval:
 - a. 500 feet of sight distance is required at the driveway entrance both to the north and the south. Sight distance certification by a registered engineer in the State of Washington will be required.
 - b. Minimum driveway pave-back shall be 20 feet or to the right-of way line, which ever is greater. The width of the driveway shall be 24 to 40 and constructed to Clark County standard detail drawing #F-20.
 - c. Compliance with WSDOT conditions of approval for this project is required.

- d. A minimum 230 feet of driveway spacing between the proposed driveway and the existing driveways both to the north and to the south is required.
- e. Show the wetland buffer boundary on the face of the Engineering Construction Plans.

B-11 Final Stormwater Plan - The applicant shall submit and obtain County approval of a final stormwater plan designed in conformance to CCC 40.385. The following Minimum Requirements must be met:

Minimum requirement No. 1: Preparation of stormwater site plans

Minimum requirement No. 2: Construction stormwater pollution prevention

Minimum requirement No. 3: Source control of pollution

Minimum requirement No. 4: Preservation of natural drainage systems and outfalls

Minimum requirement No. 5: On-site stormwater management

Minimum requirement No. 6: Runoff Treatment

Minimum requirement No. 7: Flow Control

Minimum requirement No. 10: Operation and Maintenance

B-12 Erosion Control Plan - The applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.385.

B-13 Other Required Documents: – The following documents shall be submitted with the Final Construction/Site Plan:

- a. Developer's Covenant: - A "Developer Covenant to Clark County" shall be submitted for recording that specifies the following Responsibility for Stormwater Facility Maintenance: For stormwater facilities for which the county will not provide long-term maintenance, the developer shall make arrangements with the existing or future (as appropriate) occupants or owners of the subject property for assumption of maintenance to the county's Stormwater Facilities Maintenance Manual as adopted by Chapter 13.26A. The responsible official prior to county approval of the final stormwater plan shall approve such arrangements. The county may inspect privately maintained facilities for compliance with the requirements of this chapter. An access easement to the private facilities for the purpose of inspection shall be granted to the county. If the parties responsible for long-term maintenance fail to maintain their facilities to acceptable standards, the county shall issue a written notice specifying required actions to be taken in order to bring the facilities into compliance. If these actions are not performed in a timely manner, the county shall take enforcement action and recover from parties responsible for the maintenance in accordance with Section 32.04.060.

- B-14** Excavation and Grading - Excavation/grading shall be performed in compliance with CCC 14.07.
- B-15** The applicant shall clearly show development envelopes and habitat areas on the face of the final site plan. Any revisions to the proposed development envelope will require additional review.
- B-16** **Final Transportation Plan/Off Site (Concurrency)** – The applicant shall submit a signing and striping design for review and approval to WSDOT for any work within the WSDOT right-of-way. The signing and striping design shall also include a right-turn radius at the intersection of NE Gerber McKee Road and the site access. This signing and striping design shall be submitted unless directed otherwise by WSDOT.
- B-17** **Health Department Review** - Submittal of a “Health Department Project Evaluation Letter” is required as part of the final site plan approval to ensure that whatever is proposed for restroom facilities for the first two phases is approved and that the ball fields in phase 3 have been moved enough to allow for the proposed drainfield and reserve area. If the Evaluation Letter specifies that certain actions are required, the Evaluation Letter will specify the timing of when those activities must be completed (e.g., prior to Final Construction Plan Review, construction, Provisional Acceptance, building permit issuance, or occupancy), and approved by the Health Department.
- B-18** **Fire Marshal Requirements:**
- a. Fire Flow; Fire flow in the amount 2,750 gallons per minute supplied at 20 PSI for 2 hours duration is required for this application. A utility review from the water purveyor indicates that the required fire flow is not currently available at the site estimated at 1,000 gpm. The applicant shall contact the Fire Marshal’s office to discuss alternate methods of meeting the required fire flow and provide written Fire Marshall approval of the available fire flow. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to the commencement of combustible building construction. Fire flow is based on an 11,267 square foot type V-B constructed building. (See Fire Protection Finding # 3)
 - b. Fire hydrants are required for this application. Either the indicated number or the spacing of the fire hydrants is inadequate. Provide fire hydrants such that the maximum spacing between hydrants does not exceed 300 feet and such that no portion of the building exterior is in excess of 300 feet from a fire hydrant as measured along approved fire apparatus access roads. A minimum of 3 fire hydrants on a looped main are required to support the fire flow. (See Fire Protection Finding # 4)
 - c. Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. A 3-foot clear space shall be maintained around the

circumference of all fire hydrants. The local district fire chief approves the exact locations of fire hydrants. (See Fire Protection Finding # 4)

- d. Fire Apparatus Access: Fire apparatus access is required for this application. Ensure that fire apparatus access roads maintain an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13.5 feet, be capable of supporting fire apparatus and have an all weather driving surface. (See Fire Protection Finding #5)

B-19 The stormwater plans shall be submitted to the Washington State Department of Transportation for approval. (See Public Comments)

C	Prior to Construction of Development Review & Approval Authority: Development Inspection
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Prior to construction, the following conditions shall be met:

- C-1 Pre-Construction Conference** - Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County; and,
 - a. Prior to construction, demarcation of the existing water well systems, and underground tanks shall be established, unless otherwise approved by the County Health Department, i.e., to allow use of the existing well for irrigation. (see Finding Water & Sewer Service Finding #2)
 - b. Prior to site construction, abandonment of septic systems, water wells and underground tanks shall be decommissioned in accordance with the procedures of the Clark County Health Department.
 - c. Prior to site construction, structures slated for demolitions shall be demolished in accordance with the procedures of the Southwest Clean Air Agency and the Clark County demolition permit.
 - d. Prior to building construction, fire flow in the amount of 2,750 gallons per minute supplied at 20 PSI for 2 hours duration is required for this application, unless otherwise approved by the Fire Marshall. Information from the water purveyor indicates that the required fire flow is available at the site, estimated at 1,000 gpm. The applicant shall contact the Fire Marshal's office to discuss alternate methods of meeting the required fire flow and provide written Fire Marshall approval of the available fire flow. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to the commencement of combustible building construction. (See Fire Protection Finding #3)
- C-2 Erosion Control** - Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during

construction and until all disturbed areas are stabilized and any erosion potential no longer exists.

- C-3 Erosion Control** - Erosion control facilities shall **not** be removed without County approval.

D	Provisional Acceptance of Development Review & Approval Authority: Development Inspection
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Prior to provisional acceptance of development improvements, construction shall be completed consistent with the approved final construction/land division plan and the following conditions of approval:

- D-1 Wetlands and Buffers** - Permanent physical demarcation of the boundaries in a manner approved by the Development Services Manager (i.e. fencing, hedgerows, berms etc.) and posting of approved signage on each lot or every 100 ft of the boundary, whichever is less.

E	Final Plat Review & Recording Review & Approval Authority: Development Engineering
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Prior to final plat approval and recording, the following conditions shall be met:

- E-1 None**

F	Building Permits Review & Approval Authority: Customer Service
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Prior to issuance of a building permit, the following conditions shall be met:

- F-1** A separate sign permit is required if a sign is proposed. Signs must also have approval from the Washington State Department of Transportation. (See Land Use Finding #9)
- F-2** Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. (See Fire Protection Finding #2)
- F-3 Impact Fees** - The applicant shall pay impact fees as follows:
- \$4,426.03 each for phases 1, 2 and 3 ball fields
 - \$6,368.96 for an 11,267 square foot church
 - \$3,063.09 for a 5,371 square foot multi-use building.

If the building permit application is made more than three years following the date of preliminary plan approval, the impact fees shall be recalculated according to the then-current rate. Note that if building sizes change the impact fees may change as well.

G	Occupancy Permits Review & Approval Authority: Building
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Prior to issuance of an occupancy permit, the following conditions shall be met:

G-1 Land Use and Critical Areas:

- a. Landscaping: Prior to the issuance of an approval of occupancy for structures or final inspection on the ball field structures, the applicant shall submit a copy of the approved landscape plan(s) with a letter signed and stamped by a landscape architect licensed in the state of Washington certifying that the landscape and irrigation (if any) have been installed in accordance with the attached approved plan(s) and verifying that any plant substitutions are comparable to the approved plantings and suitable for the site.
- b. All paving and striping for proposed parking areas, as phased, shall be completed. (See Land Use finding #6)

G-2 All work shall be completed as shown on the engineering drawings and as-built mylars shall be submitted for review and approval.

G-3 Fire Marshal Requirements: An approved fire alarm system is required at the time of construction for buildings subject to this application. Such systems require separate reviews, permits and approvals issued by the fire marshal's office.

G-4 The on-site sewage system shall be installed and approved by Clark County Public Health prior to issuance an occupancy permit for any building containing plumbing. (See Water and Sewer Service Finding #2)

H	Development Review Timelines & Advisory Information Review & Approval Authority: None - Advisory to Applicant
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H-1 Site Plans and Other Land Use Approvals - Within 5 years of preliminary plan approval, a Fully Complete application for a building permit shall be submitted.

H-2 Department of Ecology Permit for Construction Stormwater - A permit from the Department of Ecology (DOE) is required If:

- The construction project disturbs one or more acres of land through clearing, grading, excavating, or stockpiling of fill material; **AND**
- There is a possibility that stormwater could run off the development site during construction and into surface waters or conveyance systems leading to surface waters of the state.

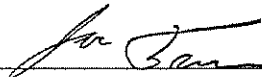
The cumulative acreage of the entire project whether in a single or in a multiphase project will count toward the one acre threshold. This applies even if the applicant is responsible for only a small portion [less than one acre] of the larger project planned over time. The applicant shall Contact the DOE for further information.

H-3 Building and Fire Safety - Building and Fire, Life, and Safety requirements must be addressed through specific approvals and permits. This decision may reference general and specific items related to structures and fire, life, and safety conditions, but they are only for reference in regards to land use conditions. It is the responsibility of the owner, agent, tenant, or applicant to insure that Building Safety and Fire Marshal requirements are in compliance or brought into compliance. Land use decisions do not waive any building or fire code requirements.

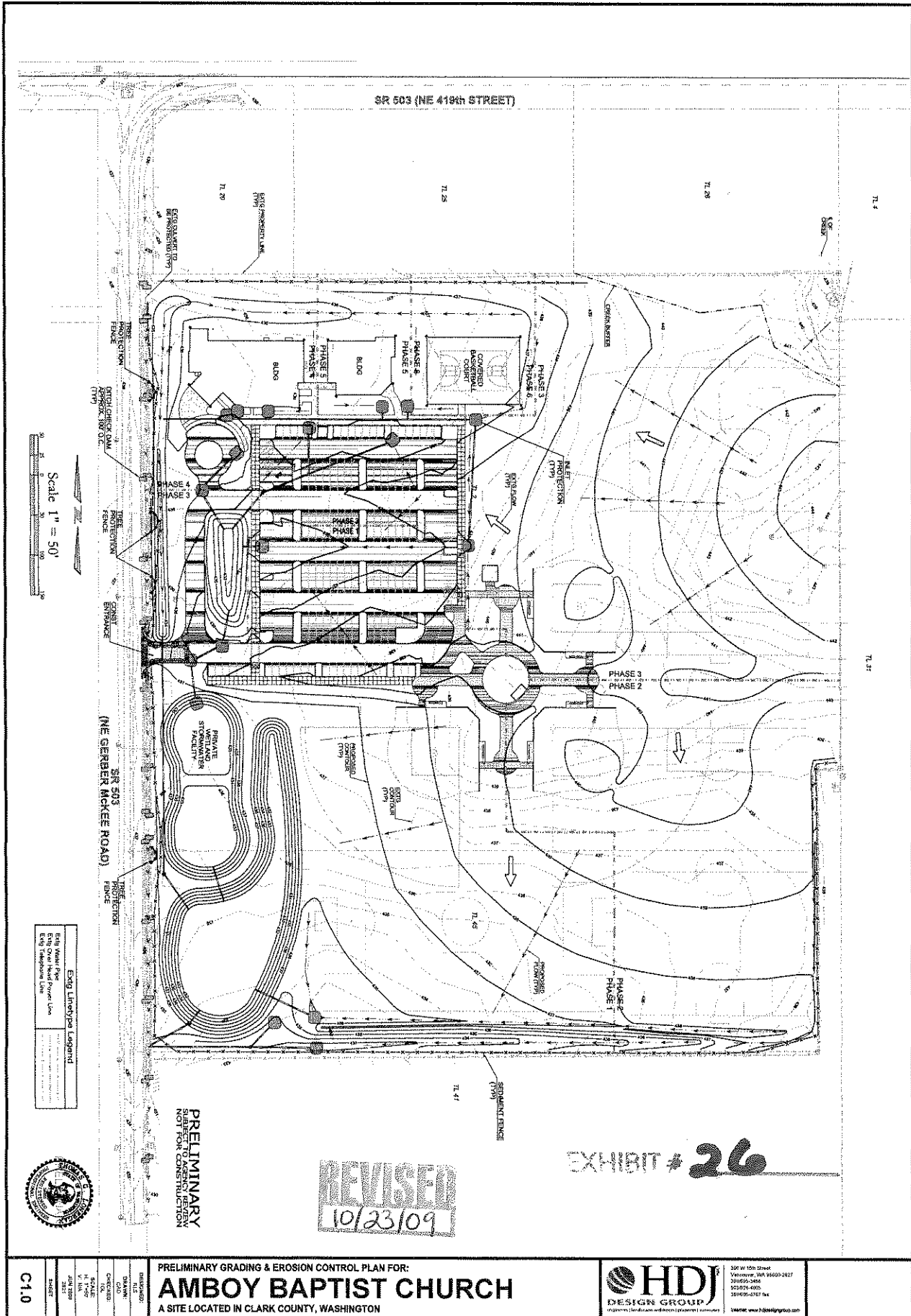
I	Post Development Requirements Review & Approval Authority: As specified below
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- I-1** Required landscaping shall be maintained. Any plants that die must be replaced with in-kind materials unless other plantings are authorized by the Responsible Official.
- I-2** Only one of the uses at a time shall occur on the site – either use of the ball fields and basketball court or use of the multi-purpose building or use of the church, until sufficient parking is added. (See Land Use Finding #4)

DATED this 9th day of December 2009.



Joe Turner, AICP
Clark County Hearing Examiner



C10

PRELIMINARY GRADING & EROSION CONTROL PLAN FOR:
AMBOY BAPTIST CHURCH
 A SITE LOCATED IN CLARK COUNTY, WASHINGTON

HDJ
 DESIGN GROUP
 307 W 10th Street
 Vancouver, WA 98660-2827
 360.595.4444
 360.595.4767 fax
 www.hdjdesigngroup.com



HEARING EXAMINER EXHIBITS

APPLICATION: AMBOY BAPTIST CHURCH

CASE NUMBERS: CUP2009-00006; PSR2009-00026; SEP2009-00067

Hearing Date: October 8, 2009

EXHIBIT NO.	DATE	SUBMITTED BY	DESCRIPTION
1		CC Development Services	Aerial Map
2		CC Development Services	Vicinity Map
3		CC Development Services	Zoning Map
4		CC Development Services	Comprehensive Plan Map
5	7/14/09	Applicant, HDJ Design Group, PLLC	Cover Sheet, Existing Conditions, Preliminary Site Plan, Preliminary Layout Plan, Preliminary Phasing Plan, Preliminary Grading & Erosion Control Plan, Preliminary Stormwater & Utility Plan, Preliminary Signage Plan, Preliminary Planting Plan, Preliminary Parking Lot Planting Plan, Preliminary Field Plaza Planting Plan, Preliminary Planting List & Notes, Preliminary Building Floor Plan
6	7/14/09	Applicant, HDJ Design Group, PLLC	Application Form, Application Fee, Pre-app Report, GIS, Narrative, Legal Lot Determination Information, Approved Preliminary Plats Abutting the Site, Proposed Developments Plans, Preliminary Stormwater Design Report, Phasing Plan, Traffic Study, SEPA, Archaeological Predetermination, Utility Review Letters, Health Dept Project Review, Covenants or Restrictions, Habitat Assessment, Wetland Determination Staff Report (WET2008-00038), Wetland Delineation & Assessment
7	8/4/09	CC Development Services	Fully Complete Determination
8	8/18/09	CC Development Services	Affidavit of Mailing Public Notice
9	8/18/09	CC Development Services	Notice of Type III Development Review Application, Optional SEPA Determination of Non-Significance & Public Hearing
10	8/24/09	Scott Brantley, Vancouver-Clark County Parks	E-mail re: County money for ball fields
11	8/25/09	SW Clean Air Agency	Comments

EXHIBIT NO.	DATE	SUBMITTED BY	DESCRIPTION
12	8/4/09	Applicant, HDJ Design Group, PLLC	Addendum to traffic study
13	8/27/09	CC Development Engineering	E-mail regarding fees
14	8/4/09	Applicant, HDJ Design Group, PLLC	Affidavit of posting
15	8/20/09	CC Building Dept.	Building department comments
16	7/13/09	WSDOT	Agency Comments
17	9/2/09	Dept. of Ecology	Agency Comments
18	9/10/09	CC Development Services	Legal Notice to Paper – to be published 9/23/09
19	9/14/09	Applicant, HDJ Design Group, PLLC	E-mail re: vesting
20	9/14/09	Applicant, HDJ Design Group, PLLC	E-mail re: vesting
21	9/15/09	Applicant, HDJ Design Group, PLLC	Response to issues raised by staff
22	9/15/09	Applicant, HDJ Design Group, PLLC	Memo re: vesting
23	9/16/09	Applicant, HDJ Design Group, PLLC	E-mail re: vesting
24	9/21/09	CC Development Services	E-mail discussion re: vesting
25	9/21/09	Applicant, HDJ Design Group, PLLC	Request to put application on hold
26	10/23/09	Applicant, HDJ Design Group, PLLC	Revised stormwater plans and TIR
27	10/26/09	CC Development Services	Affidavit of Mailing Public Notice
28	10/26/09	CC Development Services	REVISED Notice of Type III Development Review Application, Optional SEPA Determination of Non-Significance & Public Hearing
29	10/26/09	Applicant, HDJ Design Group, PLLC	E-mail discussion re :traffic study, building size and parking
30	11/2/09	Applicant, HDJ Design Group, PLLC	Traffic study addendum letter
31	11/6/09	CC Development Services	Notice of Public Hearing

EXHIBIT NO.	DATE	SUBMITTED BY	DESCRIPTION
32	11/9/09	CC Development Services	Affidavit of Posting Public Notice
33	11/9/09	CC Development Services – Terri Brooks, the Project Planner	Type III Development & Environmental Review, Staff Report & Recommendation
34	11/10/09	Department of Ecology	Additional comments
35	11/17/09	Applicant, HDJ Design Group, PLLC	Memo commenting on staff report
36	11/18/09	CC Public Works	E-mail regarding TIF fees for basketball court
37	11/17/09	CC Building Department	E-mail re: accessible parking spaces
38	11/19/09	CC Development Services	Addendum responding to applicant's comments
39	11/24/09	CC Development Services	Power Point Pictures

Copies of these exhibits can be viewed at:

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